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8 UNITED STATES DISTRICT COURT
9 WESTER DISTRICT OF WASHINGTON (TACOMA)
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12 TOMAS REYES,

13 Plaintiff,

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18 v.

19 UNITED STATES DISTRICT
20 COURT FOR THE WESTERN
21 DISTRICT OF WASHINGTON,
et al.

22 Defendants.
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CV 08-05159-RT

ORDER GRANTING PLAINTIFF'S
MOTION TO DISMISS THIS
ACTION WITH PREJUDICE
PURSUANT TO RULE 41(a)(2) OF
THE FEDERAL RULES OF CIVIL
PROCEDURE AS TO
DEFENDANTS RONALD HESLOP,
WAYNE FRICKE, PHILIP
DEMASSA, AND THOMAS
CAMPBELL

25 On January 12, 2009, the Court held a telephonic scheduling conference
26 regarding Plaintiff Tomas Reyes' claims in his first amended complaint ("FAC")
27 against the four remaining defendants: Ronald Heslop, Wayne Fricke, Philip
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1 DeMassa, and Thomas Campbell ("Remaining Defendants").¹ With the exception
2 of defendant Ronald Heslop, plaintiff and the Remaining Defendants appeared at
3 the conference either representing themselves or through counsel.

4 During the scheduling conference, plaintiff moved orally to dismiss all the
5 claims in the FAC against all the Remaining Defendants. Plaintiff stated that he
6 understood the claims would be dismissed with prejudice.

7 Accordingly, it is ordered that: (1) plaintiff's motion to dismiss with
8 prejudice all the claims in the FAC against the Remaining Defendants – Ronald
9 Heslop, Philip DeMassa, Wayne Fricke, and Thomas Campbell – is granted
10 pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure; (2) Defendant
11 Fricke's outstanding motion for summary judgment is off calendar and deemed
12 moot; and (3) this action has been finally determined as to all claims and parties.

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14 DATED: January 12, 2009
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18 ROBERT J. TIMLIN
19 United States District Judge
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27 ¹ The court had previously either dismissed or granted a motion for
28 summary judgment as to all claims in the FAC against other defendants. (*See, e.g.*,
Aug. 20, 2008 Order, Docket No. 10.)